

REMARKS

Applicants thank Examiner Woo for participating in a telephonic interview with applicant's representative on June 25, 2008. The substance of the interview is incorporated into the following remarks.

Independent claims 1, 9, 22, 29 and 30 have been rejected for failing to comply with the written description requirement. In particular, the Examiner asserts that the specification does not describe or apply the term "ledge". To expedite prosecution, applicants have amended claims 1, 9, 22, 29 and 30 to recite the terms "projecting surface" in place of the term "ledge." The Examiner indicated during the interview that this amendment would overcome the rejection.

Independent claims 1, 9, 22 and 30 have been rejected for being indefinite. Specifically, the Examiner asserts that the scope of claims 1, 22 and 30 is unclear because it is not certain whether "a member" and "a tube" are structural parts of the invention, and asserts that the scope of claim 9 is unclear because it is not certain whether "a member" is a structural part of the invention. As discussed during the interview, the scope of the claims is clear in that the above identified terms are not positively recited, are included to provide context, and are not structural parts of the rejected claims.

Independent claims 1, 9, 22, 29 and 30 have been rejected as being anticipated by Nelson (U.S. Patent No. 4,715,841). Independent claims 1, 9 and 20 have been rejected as being anticipated by Mericle (U.S. Patent No. 5,423,837).

Each of claims 1 and 9, as amended, recites a body having a first portion defining a tapered hole configured for guiding a member into a tube coupled to the body, and a second portion defining a bore for receiving the tube and for passage of the member into the tube from the tapered hole. The body further includes a projecting surface formed on an internal surface of the body at an intersection between the tapered hole and the bore and configured to restrict the tube from passing from the second portion into the first portion. Nelson and Mericle fail to describe or suggest a body having the recited projecting surface.

In Nelson, the base 34 (which the Examiner equates to the previously recited ledge) is not a projecting surface that is formed on an internal surface of Nelson's balloon holder to restrict a

tube received within channel 56/passageway 44 (which the Examiner equates to the recited bore) from passing from stem 24/collar 40 (which the Examiner equates to the recited second portion) into the cup 22 (which the Examiner equates to the recited first portion). Rather, as shown in Fig. 4 of Nelson, any tube received within channel 56/passageway 44 is free to pass from stem 24/collar 40 into cup 22.

In Mericle, the proximal surface of slot 30 (which the Examiner equates to the previously recited ledge) is not a projecting surface that is formed on an internal surface of Mericle's knot pusher to restrict a tube received within bore 16 (which the Examiner equates to the recited bore) from passing from boss 14 (which the Examiner equates to the recited second portion) into tip 6 (which the Examiner equates to the recited first portion). Rather, as shown in Figs. 2 and 4 of Mericle, any tube received within bore 16 is free to pass from boss 14 into tip 6.

For at least these reasons, applicants request reconsideration and withdrawal of the rejections of claims 1 and 9, and their dependent claims.

Claim 22, as amended, recites a device that includes a guide means for guiding a member into a tube, a receiving means for receiving the tube within the receiving means, and a projecting surface for restricting the tube from passing from the receiving means into the guide means. For at least the above reasons, Nelson does not describe or suggest the recited projecting surface for restricting a tube from passing from the receiving means into the guide means. Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection of claim 22.

Claim 20 recites a method that includes guiding a member into a tube through a tapered hole. Mericle fails to describe or suggest this feature. Specifically, Mericle fails to describe or suggest guiding suture material (which the Examiner equates to the recited member) into tubular cutting blade 26 (which the Examiner equates to the recited tube) through a tapered hole defined by tip 6 (which the Examiner equates to the recited tapered hole). Rather, Mericle describes inserting suture material into bore 16 through a slit 29, pulling excess suture material out of slot 30 while pushing a slip knot using tip 6, and then cutting the excess suture material by sliding blade 26 along bore 16 to shear the material at a shoulder 24. Therefore, the suture material is never guided into blade 26.

For at least this reason, applicants request reconsideration and withdrawal of the rejection of claim 20 and its dependent claim.

Claim 29, as amended, recites a cylindrical handle connected to the body and projecting on only one side of the body opposite to the slot. Nelson's rim 30 of cup 22 (which the Examiner equates to the recited cylindrical handle) and balloon stick 28 (which the Examiner also equates to the recited cylindrical handle in the alternative) do not project on only one side of the balloon holder opposite to vertical slit 38 (which the Examiner equates to the recited slot). Rather, rim 30 is part of a surface of revolution that projects all around balloon holder 28 (see Nelson at col. 3, lines 6-15) and, therefore, not just on one side opposite to the vertical slit 38. And balloon stick 28, upon being coupled to the balloon holder, covers the stem 34 and the vertical slit 38 and, therefore, also does not project on only one side of the balloon holder opposite to the vertical slit 38. Therefore, for at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 29.

Claim 30 recites that the bore defined by the second portion of the body has a diameter that is greater than a width of the narrowest portion of the tapered hole. Nelson's channel 56/passageway 44 does not have a diameter that is greater than a width of the narrowest portion of the tapered hole defined by cup 22. Rather, channel 56/passageway 44 has a diameter that is equal to or less than the width of the narrowest portion of the tapered hole defined by cup 22. For at least this reason, applicants request reconsideration and withdrawal of the rejection of claim 30.

Applicants submit that all claims are in condition for allowance.

Applicants do not acquiesce in the Examiner's characterizations of the art. For brevity and to advance prosecution, however, applicants may have not addressed all characterizations of the art and reserve the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by applicants to any of the examiner's positions does not constitute a concession of the examiner's positions. The fact that applicants' comments have focused on particular arguments does not constitute a concession that there are not other

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arguments for patentability of the claims. All of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

The fees in the amount of \$210 in payment for excess claim fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,



Roberto J. Devoto
Reg. No. 55,108

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Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

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